have taken to make myself familiar with the results of introspective analysis. Only a knowledge of both sides of the problem of psycho-neural correlation equips an investigator to offer a theory, or to judge one. My perusal of *Brain and Mind* leaves me very doubtful whether Professor Berry possesses this qualification.

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The English Divorce Law

To the Editor, Eugenics Review

SIR,—I have to thank you for the copy of the EUGENICS REVIEW, containing Dr. Worsley-Boden's review of my book *The Case Against the English Divorce Law* (pp. 235-7). I think I may say shortly that I consider it an honour that you should have chosen so learned an authority to review it, and also that he should have devoted such care and attention to it. I can, of course, do nothing but thank him for his kind commendations. I should like, however, to make some answer to his criticisms, premising in the first place that I consider them entirely fair.

As to his (1) I may point out that in summing up the result of *Apted v. Apted* (p. 110), I said that it would put the clock back, " though perhaps not quite to Victorian days." In this way I guarded my criticism. I may perhaps admit that the judges in divorce are now exercising their discretion with fair liberality, and only the other day Mr. Justice Bateson mildly told a woman petitioner, who apparently was still living with her paramour, that she ought to cease to do so and then come again. Under the old practice such leniency would have been unthinkable.

As to (2), I wrote my criticism on the *Ogden* case with full regard to the observations of Lords Phillimore, Dunedin, etc., in the *Von Lorang* case. The *Ogden* case, however, was not over-ruled, and would have to be followed by all Courts except the highest. I think a man with Lord Phillimore's views would find the problem much more difficult than people with wider outlook, and have no doubt that, if Parliament entrusted Dr. Worsley-Boden with the task of abolishing the absurdities and hardships of the law laid down in the *Ogden* case, he could accomplish it without much difficulty.

(3) The question of decency was only one of several in the *Russell* case, and, on re-reading the passage in the book, I do not think I have represented it as the sole one. The report of the case in the House of Lords is the best possible evidence that strong difference of legal opinion is possible on the point. I think Dr. Boden will agree, however, that, if the evidence of John Russell, which the House rejected, was true, the result of the case was an outrageous injustice to him. I may say that, treating Lord Mansfield's doctrine as a ' minor absurdity ' for the reason that it is so seldom invoked in the Divorce Court, I could hardly devote as much space to it as Dr. Boden suggests I should have.

As to contra-conception, with Mr. Bernard Shaw, I dislike it because it seems to me a waste and denial of life, but, in the present state of civilisation it is no doubt the lesser evil, and my book is ample evidence that I do not take the rigid Catholic view. I agree, of course, that abortion is far worse than contra-conception.

May I suggest, as an answer to Dr. Boden's proposition for divorce for too large a family, ' Nulla fit volenti injuria '? I remain, however, in his debt and yours for the notice of my book.

ALFRED FELLOWS.

To the Editor, Eugenics Review

SIR,—I am glad to have seen Mr. Fellows' letter, to be able to thank him for his generous reception of my review of his book and to know that he does not regard my criticisms as unfair. Perhaps I may be allowed to make some brief observations under the headings wherein he follows those in my review.

(1) In spite of initial fears with which the rule following *Apted v. Apted* ([1930], P. 246) was received, there appears to be a general agreement, based on over two years' practice, that it is only in flagrant cases that a guilty petitioner suffers the unfavourable exercise of the discretion, provided that he or she complies with the rule.

(2) Here there is more to be said. When Lord Phillimore in *Salvesen's* case (or *Von Lorang's,* as Mr. Fellows prefers) ([1927] A.C. 641) described the problems in *Ogden's* case ([1908] P. 46) as ' almost insoluble,' I suggest that this was due, not to his personal prejudices, but to the actual state of the law. Given a free hand and freedom from precedent, of course it would not be difficult to reform the law to meet such a case as *Ogden's.*

Mr. Fellows holds that the law in *Ogden* still binds the Divorce Court and the Court of Appeal. But I think he will admit that the tendency of recent decisions is against those in *Ogden,* whether it be that of the Divorce Court in 1904 or that of the Court of Appeal in 1908. If *dicta* be admitted, I may perhaps be allowed to quote myself as having enumerated elsewhere four examples from three cases (*Attorney-General of Alberta v. Cook* [1926] A.C. 444; *Salvesen v. Administrator of Austrian Property* [1927] A.C. 641; and *Inverclyde v. Inverclyde* [1931] P. 29, the last being in the Divorce Court itself) wherein ' the decisions in *Ogden* have suffered criticism almost to the point of repudiation.'

But apart from these cases it would seem that